

Application No. 10/664,468  
Amendment dated June 10, 2010  
After Final Office Action of January 21, 2010

Docket No.: 31174/30016A

# EXHIBIT “A”

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Debasis Bagchi

Application No.: 10/664,468

Confirmation No.: 4351

Filed: September 17, 2003

Art Unit: 1655

For: METHOD AND COMPOSITION OF  
ANTHOCYANIN- RICH BERRY EXTRACTS  
THAT PREVENTS OR INHIBITS  
ANGIOGENESIS AND HELICOBACTER  
PYLORI AND ACTS AS A POWERFUL  
ANTIOXIDANT THAT PROVIDES VARIOUS  
HEALTH BENEFITS

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Examiner: M. C. Flood

**KATZ DECLARATION OF DR. DEBASIS BAGCHI**

I, Debasis Bagchi, declare as follows:

1. I am a named inventor of the invention claimed in the above-identified patent application ("the patent application"). I am also a coauthor of the publication Roy et al., Free Radical Research 36(9):1023-1031 (2002) (the "Roy publication"), which was published less than a year before U.S. Provisional Application No. 60/412,118, filed September 18, 2002, to which the present application claims benefit. I make this declaration to provide information to the U.S. Patent and Trademark Office ("the PTO") regarding the subject matter of the Roy publication and the claims pending in the above-identified application.

2. I understand that the Roy publication was cited to the PTO in an Information Disclosure Statement filed herewith, and the named inventors of the above-identified patent application are not identical to the named authors of the Roy publication.

3. I am familiar with my contributions and the contributions of the other co-authors of the work summarized in the Roy publication. To the extent that the Roy publication describe or suggest the invention claimed in the patent application, the

publications are a description of my invention, and not an invention of the other co-authors. I invented the compositions and methods recited in the pending claims of the above-identified application, and described in the Roy publication. The co-authors, Sashwati Roy, Savita Khanna, Helaine M. Alessio, Jelena Vidar, Manashi Bagchi, and Chandan K. Sen, all made contributions to the work described in the Roy publication which merited their inclusion as co-authors. However, the work was not such that it contributed to the conception of the subject matter claimed in the patent application.

4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above identified application or any patent issuing thereon.

5/24/10

Date

Debasis Bagchi

Dr. Debasis Bagchi

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Examiner: M. C. Flood

**DECLARATION OF INVENTOR UNDER 37 C.F.R. § 1.132**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Dr. Debasis Bagchi, hereby declare the following:

1. I am the original inventor of the subject matter disclosed and claimed in the above-identified application.
2. I have reviewed the official action dated January 21, 2010, in examination of the above-identified application.
3. I submit this Declaration for the purpose of providing evidence in the form of data and statements that the claimed composition demonstrates surprisingly synergistic results.
4. The claimed composition includes constituents of approximately 50% blueberry, 35% strawberry, 7.5% cranberry, 2.5% raspberry, 2.5% elderberry, and 2.5% bilberry. The individual oxygen radical absorbance capacity for the individual berry constituents of the composition are approximately 40 Trolox equivalents per gram of fresh

weight (TE/g) for blueberry, 34 TE/g for strawberry, 25 TE/g for cranberry, 20 TE/g for raspberry, 22 TE/g for elderberry, and 41 TE/g for bilberry, as shown in Figure 3 of Exhibit A.

5. For the above-noted claimed composition, an additive ORAC value, which would be the best possible expected result, would be approximately 36 TE/g.

6. The claimed composition was tested for the ORAC value using the method outlined in paragraphs [0082] and [0083] of the specification. The ORAC value for the above-noted claimed composition is approximately 41 TE/g, which is a significant and unexpected increase over the additive value.

7. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and such willful false statements may jeopardize the validity of the application or patent issued thereon.

5/24/2010

Date

Debasis Bagchi

Dr. Debasis Bagchi